

## REMARKS

The above amendments and the following remarks are fully and completely responsive to the Office Action dated November 2, 2004. Claims 1-3 are pending in this application with claim 1 amended by the present Amendment. In the outstanding Office Action, the drawings were objected to under 37 C.F.R. §§ 1.83 and 1.84 (two different objections) and claims 1-3 were rejected under 35 U.S.C. § 102(b). No new matter has been added. Claims 1-3 are presented for reconsideration.

### **Drawing Objections**

The drawings were objected to under 37 C.F.R. § 1.83(a) because they fail to show text labeling in boxes on Figure 2, Figure 3 and Figure 7. Enclosed are formal drawings placing text labels in the text boxes on these figures. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings under 37 C.F.R. § 1.83(a).

The drawings were also objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference characters 43 and 48 were allegedly used to designate the mileage display or window and because reference characters 42 and 43 have both been used to designate the meter or display.

Contrary to the position taken in the outstanding Office Action, in both the figures and the specification, reference character 43 represents the fuel mileage display which could be formed from an LED or an LCD display. The fuel mileage meter 42 would be formed from a combination of the display 43 and the opening or display window 48 in character board 46. Accordingly, reference characters 42, 43 and 48 designate

different parts in the drawings. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings under 37 C.F.R. § 1.84(p)(4).

### **35 U.S.C. § 102(b)**

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Baatz et al. (U.S. Patent No. 4,706,083, "Baatz"). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicant disagrees and requests reconsideration of this rejection.

Claim 1, as amended, recites in part:

a control unit for controlling, based on a distance traveled and an amount of fuel consumed only after a speed of the vehicle exceeds a predetermined threshold, display of the fuel consumption rate on said fuel mileage display.

Baatz, at column 5, lines 21-28 and lines 32-45, teaches that data on various parameters used for calculation of a performance value is continuously collected or accumulated regardless of the vehicle speed. When the vehicle speed exceeds a predetermined threshold value (i.e., 10 miles per hour), the performance value is calculated from the accumulated data so as to indicate whether the current fuel economy of the vehicle is comparatively good or poor. Accordingly, the calculated performance value is based not only on data collected after the vehicle speed exceeds the threshold value but also on data collected before the vehicle speed exceeds the threshold value. Consequently, Baatz teaches collecting data while the engine is idling or the vehicle at a stop. Therefore, the performance or fuel economy display system

shown in Baatz has the same problem as the conventional fuel mileage calculation method discussed in pages 1 and 2 of the present application.

In contrast, the control unit of the present invention controls the display of fuel mileage on the fuel mileage display based on the distance traveled and the amount of fuel consumption only after the vehicle speed exceeds the predetermined threshold. Consequently, the amount of fuel consumption during an idling state or when the vehicle is stopped, for example, is excluded from the calculation of fuel mileage. As a result, an approximate value of the amount of fuel consumed during actual travel can be displayed. Accordingly, the driver is provided with useful fuel mileage information.

Therefore, Baatz fails to teach and/or suggest the claimed invention. Specifically, Baatz fails to teach and/or suggest "a control unit for controlling, based on a distance traveled and an amount of fuel consumed only after a speed of the vehicle exceeds a predetermined threshold, display of the fuel consumption rate on said fuel mileage display". Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3 under 35 U.S.C. § 102(b).

## Conclusion

Applicant's amendments and remarks have overcome the objections and rejection set forth in the Office Action dated November 2, 2004. Applicant's replacement drawings for Figures 2, 3 and 7 overcome the objection to the drawings under 37 C.F.R. § 1.83(a). Applicant's remarks have overcome the objection to the drawings under 37 C.F.R. § 1.84(p)(4). Applicant's remarks have also distinguished claims 1-3 from Baatz and thus overcome the rejection of these claims under 35 U.S.C.

§ 102(b). Accordingly, claims 1-3 are in condition for allowance. Therefore, Applicant respectfully requests consideration and allowance of claims 1-3.

Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to our Deposit Account No. 01-2300, referring to client-matter number 101154-00013.

Respectfully submitted,  
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Enclosures: Replacement Figures 2, 3 and 7

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**IN THE DRAWINGS:**

Enclosed herein are replacement formal drawings of Figures 2, 3 and 7, which include corrections to and are submitted as replacements for the originally filed drawings.